

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

**InRe: David C. White,**  
**Debtor.**

**Case No. 3:09-BK-33543-DOT**  
**Chapter 13**

**David C. White,**  
**Plaintiff.**

**v.** **APN: 3:09-AP-03195-DOT**

**CitiMortgage, Inc.**  
**Lawyers TitleRealty, Trustee,**  
**Defendants.**

**ORDER**

Upon consideration of the complaint by the Plaintiff, David White, asking that Defendant's second Deed of Trust be held unsecured and stripped off, and Defendant be treated as an unsecured creditor, it is hereby

**ORDERED** that Defendants have defaulted by not filing an Answer to the Complaint and that the court finds the facts are as alleged, that the principal residence has a fair market value of \$176,000 and that it is subject to a first deed of trust with a payoff of 184,000.00 leaving no equity to secure the second deed of trust;

**FURTHER ORDERED** that the Defendant has no secured interest for the loan secured by the second deed of trust on the residential real estate of the Debtor, known as 6688 Tatum Road, Disputanta, VA 23842;

**FURTHER ORDERED** that the Defendant is to cancel the second mortgage lien on the residential real estate of the debtor pursuant to 11 U.S.C. § 506(d), immediately upon the entry of the Discharge Order and deliver the same to the attorney for the debtor within 20 days from the date of the entry of the said order at no charge or fee for the aforesaid cancellation and delivery;

**FURTHER ORDERED** that the Trustee shall treat any timely filed proof of claim of the Defendant for the second mortgage lien as an unsecured claim under the plan;

**FURTHER ORDERED** that the attorney for the Plaintiff be awarded reasonable attorney fees and costs in the amount of \$2,240 (7.3 hours of attorney time) to be paid through the plan as an administrative cost pursuant to 11 U.S.C. § 507 with no reduction in payout to the general unsecured priorities as said amount has already been included in the plan; and

**FURTHER ORDERED** that the Clerk of the Court is directed to send true copies of this Order to all counsel of record.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Entered on Docket: Dec 10 2009

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Mitchell P. Goldstein, Esq., 40613  
Krumbein Consumer Legal Services, Inc.  
1650 Willow Lawn Drive, Suite 300  
Richmond, VA 23230  
(804) 673-4358; (804) 673-4350 (fax)

UNITED STATES BANKRUPTCY JUDGE

I ASK FOR THIS:

DAVID WHITE

BY COUNSEL: /s/ Mitchell P. Goldstein, Esq.

Mitchell P. Goldstein, Esq., VSB 40613

[mgoldstein@krumbein.com](mailto:mgoldstein@krumbein.com)

Jason M. Krumbein, Esq., VSB 43538

[jason@krumbein.com](mailto:jason@krumbein.com)

Krumbein Consumer Legal Services

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**CERTIFICATION PURUSANT TO LBR 9022-1**

I hereby certify that a true and correct copy of the foregoing Order was served on or endorsed by all necessary parties via electronic delivery and/or first-class mail, postage pre-paid to all parties in interest.

/s/ Mitchell P. Goldstein, Esq.

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Mitchell P. Goldstein, Esq.,

40613

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Mitchell P. Goldstein, Esq. VSBN 40613, [mgoldstein@krumbein.com](mailto:mgoldstein@krumbein.com)  
Jason M. Krumbein, Esq. VSBN 43538, [jason@krumbein.com](mailto:jason@krumbein.com)  
Krumbein Consumer Legal Services, Inc.  
1650 Willow Lawn Drive, Suite 300  
Richmond, VA 23230  
804.673.4358 office, 804.673.4350 fax